

A G E N D A

BOARD OF ZONING ADJUSTMENT

AUGUST 26, 1976

CALL TO ORDER: 7:30 P.M. in the Commission Chambers of City Hall,
400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

PLEDGE OF ALLEGIANCE:

MINUTES: Approval of the Minutes for the Board of Zoning
Adjustment meetings held June 24, 1976, and
July 22, 1976.

NEW BUSINESS:

1. V-48-75
Status Review
Status Review of the approved Variance of HELEN A.
JOHNSON to allow a mobile home where mobile homes
are not permitted, on property located at 1305 South
4th Street, on the east side of South 4th Street,
between Colorado Street and Imperial Street in Zoning
District R-4.
2. V-51-76
Application of ROSE M. KEEGEL for a Variance to allow
twenty (20) dwelling units in a R-4 zone where sixteen
(16) units are allowed and twenty-two (22) parking
spaces where thirty (30) are required on property
generally located on the southeast corner of South
Sixth Street and Garces Avenue in Zoning District R-4.
3. V-52-76
Application of LOUIS AND OPHILIA GOMEZ for a Variance
to allow an attached accessory building ten feet (10')
from the rear property line where twenty-six feet (26')
is required on property located at 1704 Weeping Willow
Lane, on the west side of Weeping Willow Lane between
Hassett Avenue and Howard Drive in Zoning District R-1.
4. V-53-76
Application of DAVID G. AND BONITA RUTH CLARK for a
Variance to allow the construction of a porte cochere
within thirty-four feet (34') of the front property
line where fifty feet (50') is required on property
located at 3016 Campbell Circle, on the north side of
Campbell Circle 125' east of Campbell Drive in Zoning
District R-E.
5. V-54-76
Application of EDWARD OLSON MARKLEY for a Variance to
allow the local advertising of, and, the on-premise
retail sale of wood and hay on property located at
814 Tonopah Drive, on the east side of North Tonopah
Drive between West Bonanza Road and West Washington
Avenue in Zoning District R-E.
6. V-55-76
Application of JOHN BUCHANAN for a Variance to allow
an existing addition to a residence 8'0" from the rear
property line where 25' is required on property located
at 2308 McWilliams Avenue, on the north side of McWilliams
Avenue between 23rd Street and North Eastern Avenue in
Zoning District R-1.
7. V-56-76
Application of E. T. AND MARY L. RIDER for a Variance
to allow the construction of a room to be used as a
greenhouse to the side property line where an 8' side
yard setback is required on property located at 4601
Exposition Avenue, on the south side of Exposition
Avenue between Arville Street and Metropolitan Street
in Zoning District R-1.

HW

8. V-57-76 Application of FIRST FEDERAL SAVINGS OF NEVADA for a Variance to allow an outside activity area (play area) in the rear yard of a proposed child care facility in a zone where all uses and activities are required to be contained within a completely enclosed building on property located on the southwest corner of West Charleston Boulevard and South Rancho Drive in Zoning District R-1 (Resolution of Intent to C-D).
9. U-66-76 Application of LESTER J. REEL for a Use Permit to allow the Clark County Juvenile Court Services Counseling Center on property located at 2021 West Bonanza Road, on the south side of West Bonanza Road between Tonopah Drive and Clarkway Drive in Zoning District R-E.
10. V-58-76 Application of BANK OF NEVADA, CORPORATE CO-TRUSTEE ON BEHALF OF THE C. S. LISLE ESTATE for a Variance to allow the construction of an industrial laundry facility on property located at 111 South 13th Street on the east side of South 13th Street between Fremont Street and Carson Avenue in Zoning District C-1.
11. U-67-76 Application of SECOND BAPTIST CHURCH for a Use Permit to allow a parking lot for a church on property located on the southeast corner of "E" Street and Monroe Avenue in Zoning District R-4.
12. V-59-76 Application of LEWIS HOMES OF NEVADA for a Variance to allow a 24½ ft. rear yard setback where a minimum of 25 ft. is required on property generally located on the east side of South Lorenzi Street between the Las Vegas Expressway and Celeste Avenue in Zoning District R-1.
13. V-60-76 Application of EL JEN MEDICAL HOSPITAL, INC. for a Variance to allow an addition to an existing nonconforming convalescent home for a total of sixty (60) beds which is nonconforming due to access by a street which has a paved width of less than forty-eight feet (48') on property located at 5538 Duncan Drive, on the northeast corner of Duncan Drive and Helen Avenue in Zoning District R-E.
14. U-6-69
Plot Plan Review
RATIFICATION OF VOTE Ratification of approval of FRED L. KENNEDY for a Plot Plan Review on an approved Use Permit to allow an addition to a church on property located on the northwest corner of Carl Avenue and Saylor Way in Zoning District R-1.
15. U-23-67
Plot Plan Review Request of JOHN P. AHERN for a Plot Plan Review on an approved Use Permit to allow an additional warehouse facility on property located at 1785 West Bonanza Road, on the south side of Bonanza Road, between Highland Drive and Rancho Road in Zoning District C-2.
16. U-68-76(HO) Application of DOROTHY E. STEFFEN at 4505 W. Eugene Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a dollmaking operation for sale at off-premise locations.
17. U-69-76(HO) Application of JAYNE UHERCIK at 3105 Sonia Drive in Zoning District R-E for a Home Occupation Permit - Allow the making of ceramic pieces and sale of greenware at off-premise locations.
18. U-70-76(HO) Application of DAVID M. BARNETT at 109 Lightning Street in Zoning District R-1 for a Home Occupation Permit - Allow an office for a wholesaling operation (general merchandise).
19. U-71-76(HO) Application of PAUL TODORA at 2305 Jansen in Zoning District R-1 for a Home Occupation Permit - Allow an office for a wholesaling operation (general merchandise).

20. V-41-75

Request of WORLD PLAN EXECUTIVE COUNCIL, AMERICAN NATIONAL RED CROSS, AND SOUTHERN NEVADA COMMUNICATION CORPORATION for reinstatement and extension of time for one year on their approved variance on property located on the east side of South 6th Street, between Sahara Avenue and St. Louis Avenue in Zoning District R-1.

S U P P L E M E N T A L A G E N D A

BOARD OF ZONING ADJUSTMENT

AUGUST 26, 1976

1. U-73-76(HO)

Application of ALBERT MERRELL at 6321 Factor Avenue
in Zoning District R-1 for a Home Occupation Permit -
Allow a mail order business.

M I N U T E S

BOARD OF ZONING ADJUSTMENT

AUGUST 26, 1976

CALL TO ORDER: A regular meeting of the Board of Zoning Adjustment was called to order by Chairman Duncan at 7:30 P.M. in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

PLEDGE OF ALLEGIANCE:

PRESENT: Chairman Duncan, Mr. Miller, Mrs. Emmett, Mr. Canul, and Mrs. Segretti arriving at 7:40 P.M.

STAFF PRESENT: Don J. Saylor, AIP, Director of the Department of Community Planning and Development
Howard A. Null, Supervisor of Planning and Zoning, Department of Community Planning and Development
Ira John Gardner, Planning Assistant
Barbara J. Cuva, Recording Secretary

MINUTES: MRS. EMMETT made a Motion for APPROVAL of the Minutes of the Board of Zoning Adjustment meetings held June 24, 1976, and July 22, 1976. Motion carried unanimously.

NEW BUSINESS:

1. U-68-76(HO) Application of DOROTHY E. STEFFEN at 4505 W. Eugene Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a dollmaking operation for sale at off-premise locations.
2. U-69-76(HO) Application of JAYNE UHERCIK at 3105 Sonia Drive in Zoning District R-E for a Home Occupation Permit - Allow the making of ceramic pieces and sale of greenware at off-premise locations.
3. U-70-76(HO) Application of DAVID M. BARNETT at 109 Lightning Street in Zoning District R-1 for a Home Occupation Permit - Allow an office for a wholesaling operation (general merchandise).
4. U-71-76(HO) Application of PAUL TODORA at 2305 Jansen in Zoning District R-1 for a Home Occupation Permit - Allow an office for a wholesaling operation (general merchandise).
5. U-73-76(HO) Application of ALBERT MERRELL at 6321 Factor Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a mail order business.

ITEMS 1 THRU 5
APPROVED

MR. NULL reviewed the Home Occupation Permits and stated there should not be any problems on these as they all met Code requirements.

MR. MILLER made a Motion for APPROVAL of Items 1 thru 5, subject to the following conditions:

1. All advertising shall conform to the criteria for a Home Occupation Permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

Mr. Miller - yes
Chairman Duncan - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL on Items 1 thru 5 carried unanimously.

6. V-48-75

Status Review

DENIED

Status Review of the approved Variance of HELEN A. JOHNSON to allow a mobile home where mobile homes are not permitted, on property located at 1305 South 4th Street, on the east side of South 4th Street, between Colorado Street and Imperial Street in Zoning District R-4.

MR. NULL pointed out the location of this request on the screen indicating its location on the east side of 4th Street. There was permission for a trailer to be parked on the rear of that lot so that a lady could take care of another woman who lives in a trailer in an existing trailer park on the east side of the alley at the present time. It was permitted on appeal by the City Commission with a one year review. Mr. Null indicated that the Board of Zoning Adjustment also asked for a one year review which is why it is being reviewed at this time. I could not reach the applicant; she is out of town, so you may wish to hold this item in abeyance, unless the applicant is here or someone to speak for her.

CHAIRMAN DUNCAN stated that he believed someone was present to represent the applicant, and asked what was the report from staff; did you do a survey on it?

MR. NULL replied "yes". He stated the trailer is no longer there the last time we looked in the field.

MR. MILLER asked what was staff's recommendation?

MR. NULL stated that staff had no objection except that if the original need for the trailer has been removed, in other words, the care of the other woman, then staff would not recommend that trailers be brought in there. The original approval was made for a specific reason and unless another reason of importance presents itself, staff would not go along with it.

MRS. SEGRETTI asked if staff felt that the reason for the trailer originally being granted permission was valid?

MR. NULL replied "yes", staff felt that reason was valid.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. DAVE MEEHAN, Manager of the Chevron Motel, 1300 Las Vegas Boulevard South, appeared representing the applicant. He stated that he would like to continue to put a trailer in this spot because we would like to have the revenue off that. We can vacate this property at any time it becomes a problem to the City.

MR. MILLER asked if the trailer is there now?

MR. MEEHAN replied "no". The lady decided that the other lady did not need the care. Actually, they had a little disagreement and terminated that situation. Shortly thereafter, they moved to another trailer court, but I would like to continue getting some revenue off that property if possible.

CHAIRMAN DUNCAN asked where this trailer was, is it in conjunction with your trailer park now?

MR. MEEHAN stated that there is no trailer park now; it is a motel. We have been on the premises for thirty years. The trailer that was being looked after for the elderly lady was a part of the trailer court many years ago that was removed. The only one that stayed there was the owner. This particular lady knew her and put her trailer there in my grounds to take care of this lady. Since I have taken the trouble of hooking up gas and water to this particular area I would like to still draw revenue off of it, if possible.

MRS. SEGRETTI stated that she believed the application was originally made by the lady who lived in the trailer and not by the motel.

MR. NULL replied no, the application was made by the property owner who owns the lot on which the boarded triplex is on and where the trailer was, not the existing trailer across the alley.

MR. MEEHAN replied that would be Helen Johnson.

MR. NULL stated yes.

MRS. SEGRETTI asked if that would not be the motel?

MR. MEEHAN stated that would be the motel, which is the owner. He also stated that Helen Johnson is retired or at least is 76 years old and had to take some time off. I am the grandson and the manager at this time who operates the motel.

MRS. SEGRETTI asked if that would require a separate application for a Variance from the motel?

MR. NULL replied no, it would not seem so if the property owners are the same. However, staff can't see granting a variance for something of this nature. It is different from the situation before.

MR. MILLER stated that as he understood it the piece of property that they want to put the trailer on is to the rear of the boarded up triplex. What are they doing with the boarded up triplex?

MR. MEEHAN stated that the boarded up triplex was a storage area for the motel, and they did want to put the trailer on the property to the rear of that triplex. The boards were forced to be put on the triplex due to people breaking in and entering it.

MR. MILLER asked if you are going to renovate this parcel?

MR. MEEHAN replied that at the time of removal he is the one that will have to do it. He stated that the pay-off of the motel is in two years at which time he plans to go one year after that where he will have a substantial down on putting another apartment building where the boarded up triplex and trailer are sitting. He stated that they are taxing him to death and he needs the money.

MRS. SEGRETTI asked what would the trailer be used for?

MR. MEEHAN indicated that the trailer would be a rental. He stated that if this matter was approved tonight he was going to try to pick out a nice looking smaller trailer than what was there to add to the looks of the area. This was originally an easement sometime ago and it was changed by the Gabrielle Apartments. They did not have a legal entrance to the apartments so they changed it to an alley so they could have a legal entrance. The big problem then was that they posted a 15 mile per hour speed limit which became very dangerous. It is not a pretty area, and anything that I can put in there to get some habitation in there makes it look better because something on a vacant piece of property looks better than weeds, or whatever.

MR. MILLER asked if all of the hook-ups were on the property?

MR. MEEHAN replied yes, they are still there.

MR. MILLER asked if he was on a one year review from last year?

MR. MEEHAN replied, "yes".

MR. MILLER asked if we can put a time limitation on this for one year?

MR. NULL replied yes, you certainly can but I believe it will have to go before the City Commission as well.

MRS. SEGRETTI made a Motion for DENIAL of V-48-75 in accord with the recommendation of staff and due to the fact that the Variance (requested) for the property is not being used for the originally intended purpose at this time.

Voting was as follows:

Mrs. Segretti - yes
Mr. Miller - no
Chairman Duncan - yes
Mrs. Emmett - yes
Mr. Canul - no

Motion for DENIAL carried by a 3-2 vote.

7. V-51-76

APPROVED AS
AMENDED

Application of ROSE M. KEEGEL for a Variance to allow twenty (20) dwelling units in a R-4 zone where sixteen (16) units are allowed and twenty-two (22) parking spaces where thirty (30) are required on property legally described as Lots 1, 2, 3, and 4, Block 30, South Addition, generally located on the southeast corner of South Sixth Street and Garces Avenue in Zoning District R-4 (Apartment Residence).

MR. NULL stated that this request was located in a R-4 area and that the yellow on the map to the east was single family residential. Staff would recommend that they be denied the application for the extra units but be allowed the variance on the parking. With sixteen units, you need twenty-four parking spaces. They have twenty-two parking spaces and seem to have a logical place to put them. It seems rather difficult to put two more spaces there.

CHAIRMAN DUNCAN asked how large is the piece of ground?

MR. NULL replied about 140 ft. by 100 ft. He added that legally they can only get the sixteen units on the property. There is an alley on the east side and a six ft. block wall that protects the residents on the other side. Even though it is zoned R-4, there is a single family residence to the south. If you can keep the studio units in this area (south) to one story, it would have a beneficial effect on the neighbors. Most of this area is vacant. Staff would recommend denial of the additional units but allow the loss of the two parking spaces. If approved, Public Works has some requirements. They would like a 5 ft. sidewalk along Garces Avenue; replace the damaged portion of the existing sidewalk on 6th Street; pave the alley to the east; sign an Assessment District Agreement for future street lights along Garces and 6th; and approval of the parking plan by the Traffic Engineer. Staff would also include the normal requirements.

MRS. SEGRETTI asked if legally sixteen units were all that can be on that property?

MR. NULL replied, yes, staff would like to keep the units at sixteen but waive the two parking spaces. The reason I am saying that is because they are mainly studios and I would think with the number of studio apartments that they would probably get some people that will walk.

MR. MILLER asked if all of the conditions stand even if it is denied at twenty, and we keep the sixteen?

MR. NULL replied, "yes".

MR. MILLER asked if this application had been anywhere else or did it come straight here?

MR. NULL replied that as far as he knew it came straight here. The zoning is proper; they want the variance on the number of units and parking.

MRS. SEGRETTI asked if the construction had been started?

MR. NULL replied "no". He also stated that there is a petition with twenty-one signatures in opposition, and none for approval.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. C. P. KEEGEL appeared and stated that the adjoining residential property to the south was really zoned multiple; rentals have been in the rear. However, he added, the fact that the bulk of the apartments would be used for possible uptown employees for walking distance is one point in favor of the twenty units. By having the twenty units, we plan to use an apartment, which means there would be an owner and manager on the premises. I think that with regards to the number of units, we would accept the sixteen; but would prefer the twenty for economic reasons if this is agreeable with the Board. I think you can give better management with more favorable economy.

CHAIRMAN DUNCAN asked, you would accept the sixteen?

MR. KEEGEL replied "yes". He added the other argument that might be considered is that it is a corner lot; therefore, there is more off-street parking than usually occurs in these instances.

MR. MILLER asked if there has been any drawups or landscaping on this?

MR. NULL replied that they would have to submit a landscaping plan. We have just a plot plan.

MR. CANUL asked if staff would have to make a recommendation on the landscaping?

MR. NULL replied, "yes".

CHAIRMAN DUNCAN asked if anyone else wished to speak in opposition?

MRS. ALBERT BAILEY, 711 S. 6th, appeared in protest. She stated that she owns the property on the south side. We do have a rental in the back but have a parking space for it. It was built in 1959 with the parking facility. We are not against the apartments, but the parking. We have businesses across the street in an attorney's office. They have to produce their own parking so these people should make room for their own parking.

CHAIRMAN DUNCAN asked if sixteen units and twenty-two parking spaces would be agreeable?

MRS. BAILEY replied whichever it is. She added that she didn't believe in changing anything for just one person if it is sixteen apartments and whatever.

CHAIRMAN DUNCAN asked Mr. Null if he had indicated twenty-four parking spaces?

MR. NULL replied they have twenty-two; they need twenty-four. He stated they could park on the street as it is a corner lot and there is room available.

MRS. BAILEY said they couldn't park in our block and asked how many people rent today with one car?

MR. NULL stated that we allow one and a half spaces per unit.

These are studios so it is unlikely that you will get two cars; probably only one.

MRS. BAILEY asked what about the fence in between us? We have our own fence which we put in a few years back.

MR. NULL stated the problem with that is that you are both in the same zone. If necessary, the Board can impose a condition of a six ft. block fence on the south property line.

MR. CANUL stated that he thought there are already an existing fence there.

MR. NULL stated it is chain link.

MRS. BAILEY stated it is a 5 ft. chain link with redwood running through it.

MRS. EMMETT asked, "You don't think that fence would be adequate, is that the idea?"

MRS. BAILEY stated that with the way the property has been kept up in the last few years that she would rather have a fence between it.

MRS. EMMETT asked, "But there is a fence now?"

MRS. BAILEY replied no, not in this portion, only in half of the back. The front part isn't fenced.

MRS. EMMETT asked if there isn't any fence in the front part that these units would be facing?

MRS. BAILEY replied yes.

MR. JAY MITCHELL, 614 S. 6th, appeared in protest. He stated that right next door is a doctor who six days a week has the place covered with automobiles. He is a very good doctor. It is hard for me and my friends to get a place to park. I have owned the property since 1955 and sometimes I have to park down the street because of the number of cars that come in there now. That is before you put in these apartment units. I doubt that people are going to move in there and not have automobiles. I would like to have a place to park my own car. I find that with the business across the street from the subject property; Nifty Nickel, which brings in many people with them, and the fact that there are two other businesses right across the street from the subject property, we already have trouble parking our cars - we the people who live there. But to add to it and put more parking there will be very unfair to us who have been legal owners of homes and businesses.

MR. MILLER asked where Mr. Mitchell's home was?

MR. MITCHELL stated that he was at 614 S. 6th, half a block north on the opposite side of the street from this subject property; but I still have trouble finding a place to park.

MR. MILLER indicated that there will be alot of studio apartments and they allow for 1½ parking spaces.

MR. MITCHELL stated that it is legally allowed and I would doubt that anyone there would not have a car.

MRS. EMMETT asked Mr. Mitchell if his was a single family residential?

MR. MITCHELL replied it is a single family residential zoned C-1.

MRS. EMMETT replied, a single family residential C-1, this is a very valuable single family property.

MR. MITCHELL replied that it is very valuable and will not be if we are going to have crowding. I am a photographer and a writer. I don't try to get people into my place; I am very busy on the outside.

MRS. SEGRETTI asked if there were any approvals?

MR. NULL replied no, the petition has twenty-one signatures of opposition.

MR. LOU WHITNEY, 708 S. 6th Street, appeared in protest. He stated that he operates Alarmco and has been there since 1968. My business has grown and had to go to 518 Garces, also opposite the property in question. I bought it for parking. I did not request a Variance; I felt the Variance should stay. The people have a perfect right to their parking which I realized when I took up all the parking on the street. That is why I purchased this piece of property for parking. We should give these people a chance to park in their own home.

MR. PAUL WEIMER, 700 S. 7th Street, appeared in protest. He indicated that they are east of the area and have a single family residence there. We were down here in March as they wanted to build something on Gass and 7th. We got that knocked down. I know the parking situation is going to be bad.

MR. GEORGE WHITE, 615 S. 6th Street, appeared in protest. He stated that he has studio rentals within one block of this area, closer to town and they all have a car. It takes two parking stalls; you just don't rent to anyone without a car. So this bit of no car and walking distance to town does not stand up. I have eight units and am required twelve parking spaces, and I have them. This should be twenty-four parking spaces and sixteen units as that is what is legal and that is what I am for.

MR. JOHN KRIEGER, 621 S. 7th Street, appeared in protest. He stated that he was against this and would like to go along with what the last gentleman said.

MRS. MARTHA HUNSAKER, 725 S. 6th Street, appeared in protest. She stated that she has in her time owned apartments and they were pretty nice ones. We have given that up and sold them. We went down and bought our lot to build our home. It was zoned for a home. We hate to be run out because we can't park in front of our house because of the businesses across the street. Not only these, but the ones on 5th Street; people sometimes stay in front of our house until 9:30 at night. I don't know what they do, unless perhaps, they are at the bank. We are not objecting to the apartments but think it is asking a little bit too much to ask that we give up our parking spaces so they can have more than what is legal. If they have the allotted number, it will not be too many parking spaces. We are not supposed to park in the alley but people do park there, as it is a fire lane and should be kept open. They should stay within the boundaries of their lot and have adequate parking spaces. If the people do walk to work, they have a car at home so they can go out in the evening. They also have company and there isn't room to leave these cars for their company to park. If someone wants to have a party, it is too bad because of the parking situation. I don't think it is asking too much for them to stay within the allotted number of parking spaces. Others will be along and will want the same if this is granted.

MR. JOHN TULE, 607 S. 6th, appeared in favor. He stated that across the street there are attorney and doctor's offices. Alarmco is also located there and they have a lot behind the attorney's office, which is unpaved. This lot could be used if designated and paved and would alleviate alot of the problems. Alot of people do walk and that is why they would like to have apartments down there. I think there is ample parking if the people would improve their parking across the street, and if Alarmco has that many trucks then they should cut down on as many cars as they have. I see the parking problems but they can be alleviated if the attorney's office would utilize their parking behind their property. If Alarmco would use their lot instead of the curb, I think we could pass with plenty of parking spaces left over for visitors.

MRS. SEGRETTI asked if there was anyway possible that could be arranged for the property to have two more parking places?

MR. KEEGEL stated that he thought that would be possible.

MRS. SEGRETTI asked Mr. Keegel to show us where the parking area would actually be.

MR. KEEGEL pointed out the area on the plot plan.

CHAIRMAN DUNCAN asked Mr. Null if that is the plan that is laid out for the twenty-two spaces?

MR. NULL replied, "yes".

MR. KEEGEL stated that we could probably arrange for the full parking spaces but would have to sacrifice something in the building.

MRS. SEGRETTI asked if he would go along with the sixteen units and twenty-four parking spaces?

MR. KEEGEL indicated that we could but would prefer to delete the two because that would allow us to leave the outside appearance of the building we now have in mind complete and I think the improvement and appearance is worth it.

MRS. SEGRETTI stated but the law says 1½ parking spaces per unit. That would mean if you have sixteen units you would be required to have twenty-four parking spaces.

MR. KEEGEL stated that he knew this but would like to amend the Variance request to twenty-two if possible so that we can maintain our present design.

MR. CANUL asked if staff has any objection to twenty-two parking spaces?

MR. NULL replied no, I think otherwise you would end up with a much worse looking layout.

MR. KEEGEL stated that it would affect the building appearance and stated that Garces is not usually occupied in parking to any great degree.

MR. MILLER asked where are we on this; sixteen units with twenty-two parking spaces?

MR. KEEGEL indicated we were somewhere between twenty-two and twenty-four but would like to have the Variance on the twenty-two.

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

MR. CANUL made a Motion on V-51-76 that the additional units be DENIED and sixteen units be allowed, but that

we waive the two spaces and APPROVE the Variance to allow twenty-two parking spaces where twenty-four are required, subject to the following conditions:

1. Installation of a 5' wide concrete sidewalk along Garces Avenue and paving of the alley adjacent to the east property line as required by the Department of Public Services.
2. Replace the existing damaged sidewalk on 6th Street as required by the Department of Public Services.
3. Signing of an Assessment District Agreement for future street lighting along both Garces Avenue and 6th Street as required by the Department of Public Services.
4. Parking design to meet the requirements of the City Traffic Engineer and the Department of Community Planning and Development.
5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
6. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development.
7. Construction of a 6' block wall along the south property line.
8. Conformance to the plot plan as amended to reflect the above conditions.
9. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Canul - yes
Mr. Miller - no
Mrs. Segretti - yes
Chairman Duncan - yes
Mrs. Emmett - yes

Motion for APPROVAL AS AMENDED carried by a 4-1 vote.

8. V-52-76

APPROVED

Application of LOUIS AND OPHILIA GOMEZ for a Variance to allow an attached accessory building ten feet (10') from the rear property line where twenty-six feet (26') is required on property legally described as Lot 24, Block 1, Dawson Park Tract No. 1, located at 1704 Weeping Willow Lane, on the west side of Weeping Willow Lane between Hasset Avenue and Howard Drive in Zoning District R-1 (Single Family Residence).

MR. NULL pointed out the location on the map and indicated that it is surrounded by R-1 zoned property. This is a situation where we have a rear yard variance request; we are presently working on a code regulation to allow structures on a percent of total coverage rather than the distance from the rear lot line.

MRS. SEGRETTI asked if staff has any recommendations?

MR. NULL stated that staff's normal recommendation would be there is nothing unique in the lot and recommend denial; but because we are trying to resolve these rear yard variances through an amended regulation, we have no objection. There are no protests or approvals.

MR. CANUL asked if this was going to have a roof over it?

MR. NULL replied yes, he believed so.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. LOUIS GOMEZ, 1704 Weeping Willow Lane, appeared. He stated that he would like to put a pool in there and to enclose it completely to keep it warm and be able to use it longer throughout the year; also, for safety reasons when we go on vacation, so it won't be such easy access to jump into it. We have a fence there now but would like to make another enclosure all the way around it.

MRS. SEGRETTI asked if the pool was there now?

MR. GOMEZ replied "no". He stated that he has to put the footing in so I need to know about the Variance before they lay the cement and put the pool in.

MR. CANUL asked what kind of structure is this going to be?

MR. GOMEZ replied stainless steel, you know the aluminum all the way around it.

MRS. SEGRETTI asked, do you mean aluminum siding?

MR. GOMEZ replied no, this is an aluminum structure that you can enclose a complete patio.

MR. CANUL asked if you have photos of this?

MR. GOMEZ replied "no".

MR. MILLER asked if this is going to be attached to the house or an extension on the house?

MR. GOMEZ stated yes, it is definitely an extension on the house.

MRS. EMMETT asked if this is the same thing that we see on awnings?

MR. GOMEZ stated it will be like a patio cover, more or less.

MR. MILLER asked if there is a difference between a patio and a fixed part of the building?

MR. NULL replied that this is not an addition; it is an attached accessory structure. It is rather novel in the fact that it will cover a pool.

MRS. SEGRETTI indicated that she didn't quite understand the aluminum, and asked if the aluminum being used was aluminum siding?

MR. GOMEZ stated that it is not like the aluminum siding you would use around a house; it is alot stronger structure than that. I have a patio top cover and the aluminum will be a complete structure all the way around it.

MR. CANUL asked if it will be painted?

MR. GOMEZ stated no, it is baked on and has its own color.

MRS. SEGRETTI asked if it would be in accord with the color of the house?

MR. GOMEZ indicated "yes".

MR. NULL stated that staff would like to point out that the entire lot is block wall now and I don't think the neighbors will object.

CHAIRMAN DUNCAN asked if there were any letters of opposition?

MR. NULL stated that there was nothing, either pro or con.

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

CHAIRMAN DUNCAN made a Motion for APPROVAL of V-52-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Chairman Duncan - yes
Mr. Miller - yes
Mrs. Segretti - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

9. V-53-76

APPROVED

Application of DAVID G. AND BONITA RUTH CLARK for a Variance to allow the construction of a porte cochere within thirty-four feet (34') of the front property line where fifty feet (50') is required on property legally described as Lot 2, Block 1, Rancho Nevada Estates #4, located at 3016 Campbell Circle, on the north side of Campbell Circle 125' east of Campbell Drive in Zoning District R-E (Residence Estates).

MR. NULL pointed out the area on the map and stated that these were large houses on large lots. Normally, staff makes no recommendations in situations like this.

MRS. EMMETT asked if this is an American version of a carport?

MR. NULL replied yes, basically, in the old days they used to pull their carriages under and get out when it was raining; this is the same thing, really. He added that there were no protests or approvals.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. NICK KRISTICH, 3816 Caddy Circle, appeared representing the applicant. He indicated that he was the contractor and this was an extended carport.

MRS. EMMETT asked if the various permits were applied for?

MR. KRISTICH stated that they will as soon as everything is approved here. He indicated that Mr. Clark needs to know if this is approved so he can go ahead with his final drawings. He stated that this is a beautiful home and will be a good addition to the area.

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

MR. MILLER made a Motion for APPROVAL of V-53-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes
Mrs. Segretti - yes
Chairman Duncan - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

10. V-54-76

DENIED

Application of EDWARD OLSON MARKLEY for a Variance to allow the local advertising of, and, the on-premise retail sale of wood and hay on property legally described as that portion of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 28, Township 20 South, Range 61 East, M.D.B.&M. described as follows: commencing at the northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 28, thence south 0°25' east, 111.00 feet; thence south 89°36' east 35.00 feet to the true point of beginning; thence continuing south 89°36' east 392.62 feet; thence south 0°25' east 140.00 feet; thence north 89°36' west 392.62 feet; thence north 0°25' west 140.00 feet to the true point of beginning, located at 814 Tonopah Drive, on the east side of North Tonopah Drive between West Bonanza Road and West Washington Avenue in Zoning District R-E (Residence Estates).

MR. NULL pointed out the location on the screen and stated that this is a large zoned R-E lot, to the south of Washington. This operation is conducted from the rear and can be seen both from Washington and Tonopah Drive. They have hay and firewood all over the place.

MRS. SEGRETTI asked if the operation is in existence now?

MR. NULL replied yes, staff feels this is out of character for such an area. The gentleman is conducting a large scale business.

CHAIRMAN DUNCAN asked what type of advertising was asked for?

MR. NULL stated that was not made very clear. Staff would recommend denial because it is out of character. We have one letter in opposition and no approvals. The opposition is from Alice Simons, who owns property down the street.

MRS. SEGRETTI asked if this is the way it was brought to the attention of the Board?

MR. NULL stated that he really didn't know; probably someone noticed the operation and would turn in a request to have it stopped. Of course, in the meantime, if someone comes in and asks for a Variance, staff would go through the whole procedure. I think that is what happened as it is very noticeable; you can see it from both streets.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. EDWARD MARKLEY, 814 Tonopah Drive, appeared. He stated that he just wants to make a living on this property and will have a small scale operation. I will have it setback about 200 to 300 feet. There is no traffic from the street and most of the merchandise will be delivered. We intend to abide by the regulations of the Fire and Building departments. Mr. Clay Hymer, City Building Department, looked over this operation and said he could see no reason why we cannot continue. If we cannot continue to operate, it will be a hardship because it is our source of income. He stated that Mr. Wallace Eckner, our next door neighbor, had no objection and Mr. Melville, who is an immediate neighbor to Mr. John Duncan was glad I was in business and would like to see me continue.

CHAIRMAN DUNCAN asked the date the property was purchased?

MR. MARKLEY replied one year ago in July.

CHAIRMAN DUNCAN asked if the applicant drove a red pickup?

MR. MARKLEY replied, "yes".

CHAIRMAN DUNCAN asked if all last winter you didn't sell and deliver?

MR. MARKLEY replied yes, sir, I did deliver it.

CHAIRMAN DUNCAN asked if last July you had two truck loads of hay coming in, did you not?

MR. MARKLEY replied, "I did".

CHAIRMAN DUNCAN asked, did you have a license to sell this before you applied for this Variance?

MR. MARKLEY replied that, yes, for two years at 3000 Holley Lane, but the license is hung in the County. I applied for a City license but was told by the License Department that I could sell in the City as long as my license was hung in the County.

CHAIRMAN DUNCAN asked, you have conducted this woodselling and hayselling without applying for a City license and have operated from a City location, have you not?

MR. MARKLEY stated that he applied for a City license and was granted a license.

CHAIRMAN DUNCAN asked you were granted a license for that location?

MR. MARKLEY replied not for that location, no. The license bureau told me that I would have to have a County address to sell. As long as I brought things in on my own truck that I would be alright to store things there.

CHAIRMAN DUNCAN stated that he thought Mr. Markley had been misinformed about this business in the City.

MR. MILLER asked, you are asking a Variance to allow you to hang out a sign plus sell, is that correct?

MR. MARKLEY stated that he didn't want a sign and wanted to advertise in news media. He further stated that everything will be delivered.

MR. MILLER asked, you want to advertise this address in the news media?

MR. MARKLEY replied that he would just give the phone number and would deliver.

MRS. SEGRETTI indicated that she didn't quite understand how someone could apply for a business license in a R-E zone or how it could be granted?

MR. SAYLOR stated it was a different address that the license was applied for if I understood him correctly.

MRS. SEGRETTI asked, is this proper if you have a County license, you can operate within the City?

MR. SAYLOR stated no, the operation is illegal, that is why he is applying for the Variance to try to make it legal.

MR. CANUL asked if he is applying for the advertising and not for the operation?

MR. SAYLOR stated no, the Variance is for both. He is applying for permission to conduct a commercial operation in a R-E zone, which is not permitted and also to advertise that business.

MR. MARKLEY added that the fire chief from City Hall inspected my premises. He said if I would rearrange the wood so it was twelve feet from the property line and kept it down low so it couldn't be seen, that he could see no problem. I will be glad to go along with any type of fence that you recommend. I believe Mr. Duncan can say that I have cleaned the place up considerably and have painted and remodeled the house. I have built a fence and will plant about thirty trees and make it look pretty nice. The place was pretty run down when I bought it.

CHAIRMAN DUNCAN asked how many cords of wood do you have stored there now?

MR. MARKLEY stated right now, about 125 cords. That pile will be moved out within six weeks.

MRS. EMMETT asked how does this compare with a Home Occupation Permit?

MR. SAYLOR replied that you cannot keep anything on the property with a Home Occupation Permit.

MRS. EMMETT asked, but haven't we had Home Occupation Permits before where they wanted to store something?

MR. NULL replied yes, but that was in an enclosed area. This is out in the open. The idea of a Home Occupation Permit is to do nothing out of the ordinary which would be expected in a residential area.

MRS. SEGRETTI asked if staff has a recommendation?

MR. NULL stated that we recommend denial as it is out of character for an R-E area.

MRS. EMMETT asked what is to prevent him from storing wood on his property assuming that we deny it?

MR. SAYLOR stated that we can stop him from buying and selling wood and hay; you cannot have a commercial operation in an R-E zone.

MR. MARKLEY stated that if you want me to fence it so it cannot be seen from the street, I will do that.

MRS. SEGRETTI stated that she didn't think that would cover the situation.

MRS. EMMETT asked, were you advised that this property could be used for this purpose when you bought this property?

MR. MARKLEY read a letter written by Mrs. Charles Bennett addressed to the Mayor. He indicated that he was advised it was possible commercial zoning.

CHAIRMAN DUNCAN asked if anyone wished to speak in favor of this request?

STEVE ROGERS, 1724 W. Bonanza, appeared in favor. He stated that he lives around the corner from Mr. Markley and that he does keep his business small. He indicated that the place does look neat. He stated that he buys hay from Mr. Markley and his prices are low.

CHAIRMAN DUNCAN asked if anyone wished to speak against this request?

MR. O. J. SCHERER, appeared in protest. He stated he lives approximately 300 ft. away from the wood pile. He stated the area between Robin Street and Highland is residential estates and he could see no other commercial establishments, except apartments, which is kept neat. Everything else is residential. I cannot see why we should be subjected to lowering of our property values by this business. Washington is going to be widened and when this is done, the property will be about 75 ft. or so off of Washington Street. Everyone will be able to see this operation. If they have a fire, the fire will spread to quite an area, including our area. We are, therefore, objecting to this encroachment in this residential area.

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

MRS. SEGRETTI made a Motion for DENIAL of V-54-76 due to the fact that this is an R-E area and a commercial operation is out of character in such an area. Further, the selling should be stopped immediately.

Voting was as follows:

Mrs. Segretti - yes
Mr. Miller - yes
Chairman Duncan - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for DENIAL carried unanimously.

RECESS:

CHAIRMAN DUNCAN declared a ten-minute recess at 8:50 P.M. and reconvened the meeting at 9:00 P.M.

11. V-55-76

APPROVED

Application of JOHN BUCHANAN for a Variance to allow an existing addition to a residence 8'0" from the rear property line where 25' is required on property legally described as Lot 11, Block 1, Greater Las Vegas Addition Tract #1, located at 2308 McWilliams Avenue, on the north side of McWilliams Avenue between 23rd Street and North Eastern Avenue in Zoning District R-1 (Single Family Residence).

MR. NULL stated that this is a single family residence which fronts on McWilliams and backs up to Harris. We have a situation where the lot is normally rectangular, but we have suggested an amendment with regards to a rear yard requirement and so, staff has no particular opinion on this, considering the regulation is in process. There are no protests or approvals.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. JOHN BUCHANAN, 510 Parkway East, appeared and stated the structure was there when I bought the home and was unaware that it did not have a permit. When I applied for a loan through FHA, I was told that I would need this.

MR. MILLER asked if this is rental property?

MR. BUCHANAN stated that he bought it for investment purposes; I am a realtor.

MRS. SEGRETTI asked if the applicant had any intention of living there?

MR. BUCHANAN replied no, I had a buyer for the property on a FHA loan. They moved into the house and then the permit question came up. We searched for a permit but could not find anything.

MR. MILLER asked if the existing addition was a family room?

MR. BUCHANAN replied that it was a family room with a beam ceiling, adobe fire place, concrete slab floor and a composition roof. I did send in pictures with the request. There is a large back alley access way that was a street at one time; gives thirty or forty feet to the neighbors. There is nothing backing up to the property.

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

MR. MILLER made a Motion for APPROVAL of V-55-76, subject to the following conditions:

1. All necessary permits and inspections shall be obtained as required by the Department of Public Services.
2. Conformance to the plot plan.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes
Mrs. Segretti - yes
Chairman Duncan - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

12. V-56-76

APPROVED

Application of E. T. AND MARY L. RIDER for a Variance to allow the construction of a room to be used as a greenhouse to the side property line where an 8' side yard setback is required on property legally described as Lot 12, Block 1, Parade of Homes Subdivision Tract #1, located at 4601 Exposition Avenue, on the south side of Exposition Avenue between Arville Street and Metropolitan Street in Zoning District R-1 (Single Family Residence).

MR. NULL stated this is a single family residence in an R-1 area located on the south side of Exposition. The addition is to be used as a greenhouse. The applicant has submitted photos. The slab is in place but no construction has taken place. The lot is rectangular. Staff would recommend denial as there is nothing unique about the lot; but we can see no problem to the abutting neighbors.

CHAIRMAN DUNCAN asked how much distance is there from the existing property line where it abutts the residence?

MR. NULL replied the plan indicates about 6'7".

CHAIRMAN DUNCAN asked about the fire protection?

MR. NULL stated they probably will be required to have some type of fire resistant wall on the property line; would assume a one hour burning wall. Will have to have a certain amount of burning time that will be above the normal requirements. They will have to provide a fire warning system as well.

CHAIRMAN DUNCAN asked what type of fence was provided in the rear?

MR. NULL stated he did not have any indication; only checked sides abutting adjacent property.

CHAIRMAN DUNCAN stated that sometimes it is important to have access from the back.

MR. NULL asked if the pictures indicated this and suggested that perhaps, the applicant could answer that question. He stated that there were no requirements from Public Works and there were no protests or approvals on record.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MRS. MARY RIDER, 4601 Exposition, appeared.

CHAIRMAN DUNCAN asked if there was any type of fence around the property?

MRS. RIDER stated that there is a wooden fence on all four sides.

CHAIRMAN DUNCAN stated that staff says there is only 6½ ft. between your house and the other property line.

MRS. RIDER stated there was really only a 5 ft. setback on each side.

CHAIRMAN DUNCAN stated that if it is imperative to get some fire equipment to the back of the house, how could they get back there?

MRS. RIDER indicated there is a wooden fence ¾ of the way around on the front. There is a wooden gate on both sides facing the front. There is a fire hydrant right across the street in the front of us.

MR. MILLER asked if there was an alley way or anything behind your house?

MRS. RIDER stated there is no alley way, but there are no neighbors there either. It is vacant land.

MR. NULL added that it is R-E zoned vacant land. I believe what the Board is getting at, is there a gate where you can get in from the east side?

MRS. RIDER stated there is a gate between our house and the neighbors on the east side; there is a gate going out from there and from the front of the yard on both sides of the house.

MR. NULL asked, but is this block wall where you will be building your greenhouse?

MRS. RIDER said they intended that to built out of fiberglass. The new structure we are proposing, across the street from that, is a fire hydrant. We want to build this structure out of fiberglass. We do have a fire alarm system in our house so it would not be a problem in cutting a hole in the fiberglass.

MRS. SEGRETTI asked, you do understand that the recommendation was to have a fire alarm system in the greenhouse?

MRS. RIDER stated they do have one now in the house so they would just have to add one more and didn't see where this would be a problem.

MRS. SEGRETTI asked the purpose of the greenhouse?

MRS. RIDER stated they didn't want to call it a greenhouse. It is going to be a garden room.

MRS. SEGRETTI asked for commercial purposes?

MRS. RIDER replied no, we want to put tropical plants, a water fall and this type of thing in there so we could look out from our existing house into this garden area. I have no time to grow plants commercially.

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

MRS. EMMETT made a Motion for APPROVAL of V-56-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes
Mr. Miller - yes
Mrs. Segretti - yes
Chairman Duncan - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

13. V-57-76

DENIED

Application of FIRST FEDERAL SAVINGS OF NEVADA for a Variance to allow an outside activity area (play area) in the rear yard of a proposed child care facility in a zone where all uses and activities are required to be contained within a completely enclosed building on property legally described as Lot 10, Block 1, McNeil Tract #2, located on the southwest corner of West Charleston Boulevard and South Rancho Drive in Zoning District R-1 (Single Family Residence) (Resolution of Intent to C-D - Designed Commercial).

MR. NULL pointed out the area in question on the screen and stated that the purple represents the C-D designation. This is a designation that was added to the code because of the sensitive area along that particular part of Charleston. The idea of the C-D zone is that the use had to be specifically specified, and no outside storage. This is a very quiet controlled commercial type of area. The Variance is coming before you because it is going to be a child care facility with an outside activity area. There is R-1 to the immediate west; R-1 to the south. The play area will be to the rear or to the south of the area. They have sufficient parking. Staff is concerned in this instance because we would like to preserve the integrity of the C-D zone and do not wish to have a precedent set. For this reason, staff would recommend denial. There are twelve protests and no approvals on record.

MR. MILLER asked what the application stated when it came in front of City Planning?

MR. NULL stated they had to approve the specific use in the C-D zone, which was for a child care center.

MR. MILLER asked if it was not for a zone change?

MR. NULL replied no, formerly, it was to be a savings and loan but it fell through and they came back with a child care facility in a C-D zone and are required to specify the use in this zone. The question before this Board is the outside activity center and staff would recommend denial because of the precedent setting action.

MRS. EMMETT asked when this was approved for a savings and loan, was that classified as C-1 or C-D?

MR. NULL stated it was C-D and they had to specify a specific use. In October, 1975, under Z-30-75 it was R-1 to C-D under resolution of intent, approved by the City Commission that the proposed use be limited to a savings and loan association.

MRS. EMMETT asked if under C-D you can get a specific use?

MR. NULL replied yes, but there is no outside activity permitted; this is a safeguard to the neighbors.

MRS. EMMETT stated that she was not sure what C-D was?

MR. NULL then proceeded to read from the zoning regulations the purpose of C-D zoning and added that you have to have a specific listed use. He then mentioned the approved uses; retail shops and stores for the dispensing of goods and services, general business and professional offices; banks and financial institutions.

MRS. EMMETT asked, then the interpretation for outside activity is not spelled out?

MR. NULL replied yes, item "k" states that, "All uses and activity shall be contained within a completely enclosed building and there shall be no outside storage, service or sales."

CHAIRMAN DUNCAN asked if this was C-1, that would be solved, would it not?

MR. NULL replied this is a very specific use and we are very concerned with the precedent. There is C-1 on the east side of Rancho Drive.

MR. MILLER asked if this is now a vacant lot?

MR. NULL replied yes, right now it is vacant.

MRS. EMMETT stated that there is a service station on one corner and a 7-11 on the other.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. GARY VAUSE, 3221 Burton Avenue, appeared. He stated that in the last month, they have had an education on C-D zoning. We have been approved by the City Commission for a child care facility. The only questionable issue is the outside activity; and I think it is a definitional interpretational thing and I think to be safe they required us to come before the Board of Zoning Adjustment. It is my understanding that the alternate authority could be the City Commission, and we have already been before them and they have approved us. The lot is now vacant and is very unsightly; it has been vacant since I can remember. It is a very strategic location.

MR. MILLER asked if it has been approved by the City Commission?

MR. VAUSE replied "yes".

MR. MILLER asked if it hadn't been before the Planning Commission and they denied it?

MR. VAUSE indicated yes, but the City Commission approved it.

MRS. SEGRETTI asked when the City Commission approved it?

MR. NULL replied July 21, 1976, and it was subject to notification of the surrounding area for this outside activity.

MRS. SEGRETTI asked if the outside activity was approved by the City Commission.

MR. VAUSE said the use review was approved for the child care facility, but not for the outside activity. He stated that he had a list of things that can be approved under the C-D zoning. We are talking about the integrity of the neighborhood. We feel that our type of use is less than commercial zoning. I have heard it said by this staff that child care is a perfect buffer between commercial and residential. It is not our intention to disrupt the integrity of the neighborhood. Perhaps, there is a misunderstanding on the outside activity.

CHAIRMAN DUNCAN asked what is your proposal to keep the children on the property?

MR. VAUSE stated that their children are the little guys, two, three and four year olds. We always exceed the minimum supervision and are licensed in the City and County. No one cannot attest that we run a good school. Our reputation is well known and we are very proud of the schools. The children usually go outside in groups of thirty, not at night or for all day. I do not believe that would disturb anyone. I base this on our use in our other schools. We have no complaints in our other areas from residents. Small groups are supervised and small children don't make as much noise as big kids. They go out for short periods of time during the day and would not be outside in the night at winter. This will be an enclosed area completely fenced by a 6 ft. high fence. We have one supervisor for every fifteen children; and usually, run higher than that.

CHAIRMAN DUNCAN asked the number of children proposed for this child care facility?

MR. VAUSE indicated between 90 and 100.

MRS. SEGRETTI asked what type of fence would be there?

MR. NULL pointed out the play area on the plot plan and indicated a six ft. chain link fence is shown on the west side on this plot plan; in fact, a six ft. chain link fence is shown all around the area. This would not buffer much noise.

MR. CANUL asked if there was any objection to putting in a block wall?

MR. VAUSE stated that they will have to on the west and didn't know what would be required, but are open on it. He stated that there are existing Oleanders there, and a block wall is more expensive.

MR. NULL said there was a residence to the west and some type of fence should be required there. There are Oleanders there now. There should definitely be a fence on the south and possibly on the west if that neighbor wanted it. It should be mentioned for the record that there is a reservation for a twenty foot alley which will take out almost half of the play area in the future. They may have to reduce the number of children. Staff wants to make sure that you understand that.

MR. VAUSE said that they talked with the City today and asked what the odds would be for this and they said very remote.

MR. NULL stated that remote or not, the possibility does exist, and we want to make sure you do understand that.

MR. VAUSE said you are right and he did understand that.

MR. CANUL asked if there were any objections to changing the zoning?

MR. NULL said he would not want to comment on that. Our concern is the outside activity, we feel it will set a precedent.

MRS. SEGRETTI asked if there should not be any outside activity in this C-D zone?

MR. NULL replied, "yes".

MR. VAUSE asked how can you have any business there with no outside activity? People have to drive up in their cars. Convalescent homes, real estate, recording studios without any outside activity?

MR. CANUL replied this is a different activity.

MRS. EMMETT asked do you have C-D with outside activity?

MR. VAUSE indicated a convalescent home is a C-D zone permitted use.

MRS. SEGRETTI stated that there is very little outside activity in the convalescent home.

MR. VAUSE said regarding the noise, the intersection and traffic between the two stores is such that I don't think the children could be heard.

MR. DON HAMILTON, Mr. Vause's Assistant, appeared. He stated that they also operate under Little Scholar and Mary Moffit. He said they went around and tried to talk to the neighbors as they want to be good neighbors. We want to solve any problems that might exist. It does show that there is a block wall on the side that abutts the residential area. If that is what the neighbors would want, we would be more than happy to do that. In meeting with the neighbors behind the property, their main objection was having the play area to the rear of the property. The parcel that backs directly up to us, they have their garage between their house and our property so they have a built-in buffer. The next lot is open; by this I mean, over the top of the fence it is open. We have also agreed with them, with the approval of this Board, that we would move the play area to the other end of the lot; move the building and put the play area there. There are no lights on at night; most of the children are picked up at 5:00 or 6:00. Our doors generally close at 6:30 P.M. We intend to be good neighbors.

MR. VAUSE said that he was over there tonight and talked to Mr. Sharpe, who is almost across the street. I asked him if he had any objection to the children being outside and the noise. He couldn't even hear me because of the noise from the traffic on Charleston. He said he had no objection to the noise or he wouldn't be living on Charleston.

MR. HAMILTON stated that it is required by City and State Ordinances that the mothers pick the children up and drop them off inside the building. They are not allowed to just drop them off. We would be in violation if we allowed them to do that, and the possibility exists that the child might wander somewhere else if they are just dropped off. Once the children are brought inside, there are no knobs low enough for them to reach to get back out.

MRS. SEGRETTI asked, do you realize that it specifically states that there be no outside activity?

MR. VAUSE stated yes, that is why we are asking for the Variance.

MRS. SEGRETTI asked if that would not take a zone change?

MR. NULL stated that it might be better if they had asked for a different zone. They can solve their problem if the Board grants the Variance.

MRS. SEGRETTI stated that if we grant the Variance against the C-D zoning, we would be setting a precedent for future C-D uses in the City, is that correct?

MR. NULL replied yes, and that is our strongest objection.

MR. VAUSE stated that it is my understanding that any time the City Commission approves someone that is not on the list it sets a precedent as each one has to be approved.

MR. NULL said staff's point of view on that is if you can point to one case with an outside activity that was approved, then you have opened the door.

MR. HAMILTON stated in the ordinances there is a list of things that have been approved. There is also a list of things that are specifically not allowed in a C-D zone. We are not listed in those items that specifically cannot be in a C-D zone. Our business is one that falls into a category that is not specifically designated one way or the other. Nursery schools are allowed to be in a R-1 zone with a use permit; so from the standpoint of zoning, the regulations say we can be in a R-1 zone. Nursery schools should be where the people are, not in the heavy commercial but in the light commercial and residential areas.

MR. MILLER asked, have you given some consideration in going for a zone change?

MR. VAUSE stated that is the first thing we asked for. They felt that if we would be granted the C-1 zoning and decided to sell it anything could go in here on this property. Where with the C-D zoning, it runs with us and whoever bought the property would have to get it approved again. He asked the Board to keep in mind that the property is vacant now and if this is allowed, then something will be on it.

CHAIRMAN DUNCAN asked if the Board grants this approval, will you put in a block wall on the west side and south end of the property?

MR. HAMILTON stated that they will do that. He added that they had a meeting with the neighbor next door and she stated she didn't care what we put in.

MRS. SEGRETTI asked if we had any objections?

MR. NULL stated there are twelve protests and no approvals.

CHAIRMAN DUNCAN asked if anyone wished to speak in objection?

MR. MIKE CHADBURN, 2318 Sherman Place, appeared in protest. He stated he lives directly south of the lot and was very concerned about this. I am not against the day-school and am not against construction; I make my living from it and am for construction on this lot. I spoke in favor of the savings and loan going in on this lot, but that did fall through. I am concerned about the noise. I have done extensive work to the rear

of my property; my pool would be 6 ft. from this play area even with the block wall. We do use our pool a lot. This play school will be for 90 children; and they have to have play area for half of their children, so this would mean theoretically that they have to have a play area for 45 children. So at any one given time, there could be 45 children out there. The licensing department request 75 sq. ft. of play area for half of the occupancy. This brings the play area to 3375 sq. ft. The square footage listed on the play area is 2500 sq. ft. so they don't even have the required amount they need. The proposed 20' alley way, if this ever comes through, will cause them to lose their play area and the requirements of the square footage. This is a proposed two story structure, and I don't think that was brought up tonight. There are no two story structures on Charleston now in the C-D zone. Regarding the parking situation, the school would have approximately seven teachers and one secretary, one director and the two gentlemen that just spoke. The parking spaces as listed are for eleven people. We are already talking about eleven employees. They will have 90 people driving in the morning and afternoon and will have to slow down in the right lane of Charleston to pull in. They will be backing out into the traffic if there is no room to park. It would be a death trap for the little kids. That intersection from 6:30 to 8:30 A.M. and 5:30 to 6:30 P.M. produces a terrible flow of traffic. They have to have more parking spaces as the parents have to park their cars and go in and get their children. I am concerned about the children and the adults. One gentleman stated that you could have a nursery school in a residential area; this is for twelve children and nothing more. This does not conform to the C-D zoning with the traffic, the ninety people coming and going and the noise from Charleston; I do not feel this child care facility should be there. It will be hazardous to children and adults. I really feel that this property is too close to this intersection.

MR. MICHAEL KIRCH, 2324 Sherman Place, appeared in protest. He stated the application request is by First Federal Savings of Nevada. The individuals asking for this request are not the owners of the property. We are talking about a possible proposed sale. The property could possibly be sold to this gentleman if this request is granted. He stated that the purple area is zoned C-D, and asked what the pink area was zoned?

MR. NULL stated the pink is C-1 limited commercial.

MR. KIRCH said there were homes located in the big area with a gas station at the corner. From there to the left there is nothing but commercial. We are talking about a situation where they want to have something that is not allowed. We are also talking about 90 children. We do not wish to have this business at this location. There is a problem as represented by the two of us here, and the ten on the petition.

MRS. EMMETT asked, isn't this quite common where the applicant is not the owner of record?

MR. NULL replied yes, the agent or their representative often appears.

MRS. MARIAN CASASA, 2310 Sherman Place, appeared in protest. She stated that the rear of her property comes to this property in question. I disapprove of this child care center. We have a nice home and have lived there for twenty years. I think it is an asset to the community. I came here last year and gave permission for the bank; it was okay. But not for the child care facility and the two story building; they will be looking down in my backyard and kitchen and living room area. I don't approve of a

two story structure. This is a nice area and we have enough to contend with the traffic. I agree with the first gentleman that spoke here, and he can speak much better than I; I don't approve of this at all.

MR. VAUSE, reappeared and stated that a two story building shouldn't be considered in this application. We discussed this with Mr. Chadburn and the Planning Department today. In a C-D zone, you can build a two story structure. If it was converted to a residence, it could also be converted to two story.

MR. MILLER stated there was a difference between a residential two story and a commercial two story.

MR. VAUSE stated he believed it would be harmonious with the area.

MR. MILLER stated but a two story building will be looking into these people's property.

MR. VAUSE stated that he will stipulate that there be no windows on the south side if you wish. With regards to the 90 children and the 90 people coming and going in that intersection at one time, that just is not so. The children are inside the building and not outside and will not enter into the intersection. I have looked at our previous records at all of our schools, and the most children that we have had at 9:00 A.M. was thirty. That would mean, at the most, thirty cars. About forty percent of the children come between 6:30 and 9:00 A.M. The school opens at 6:30 and approximately two children arrive at that hour. Then between 6:30 and 7:00 about another two arrive and between 7:00 and 7:30, approximately six or so may arrive. It is a lack of understanding even on our part why they don't all arrive at the same time; but we speak because we are in the business and we have the experience to know. You would think at 4:30 all the mothers would rush in, just getting off work, and pick up their children. But it isn't so; perhaps they stop at the grocery store or somewhere else. We have only about five cars in the lot at any one time.

MR. HAMILTON, reappeared. He stated Mr. Chadburn made a point about the yard not being large enough. Our license is not limited based on the number of square feet we have, so there is sufficient square feet. After our original plan was submitted to staff, they recommended that we add three more parking spaces as they said we should have nine or ten; and that is what we did.

CHAIRMAN DUNCAN expressed his concern about the traffic.

MR. HAMILTON stated there were three driveways where the cars can circle out.

MRS. SEGRETTI asked Mr. Vause if he owned the property now or is in the process of buying it provided this is approved?

MR. VAUSE replied, the latter, in the process of buying it if the Variance is approved.

MRS. SEGRETTI asked why the savings and loan fell through?

MR. VAUSE stated it was approved by the City Commission, but the FDIC, who First Federal Savings of Nevada was applying to for the loan, said there was another savings and loan nearby and was too close for competition to First Federal Savings.

MR. HAMILTON said they have a firm offer and it would be executed subject to getting this approved. The Planning Department did not realize that we were not properly zoned in the first place.

MRS. SEGRETTI asked if this is not approved, do you have any investment you would lose?

MR. VAUSE indicated they had paid an architect \$1,600., put out \$100 for the Variance and \$25 for the plot plan review plus other miscellaneous expenses.

MRS. SEGRETTI asked, but you have no investment in the land?

MR. VAUSE replied "no".

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

MRS. SEGRETTI made a Motion for DENIAL of V-57-76 because C-D zoning specifies no outside activity and the proposed use would not be compatible to the developed residential and C-D area.

Voting was as follows:

Mrs. Segretti - yes
Mr. Miller - yes
Chairman Duncan - yes
Mrs. Emmett - no
Mr. Canul - no

Motion for DENIAL carried by a 3-2 vote.

14. U-66-76

APPROVED

Application of LESTER J. REEL for a Use Permit to allow the Clark County Juvenile Court Services Counseling Center on property legally described as that portion of the North Half (N $\frac{1}{2}$) of the South Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 28, Township 20 South, Range 61 East; MDB&M described as follows: The northerly 175 feet of the following described parcel: Commencing at the point of intersection of the east line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 28 (hereinafter called line 1) with the south boundary line of Clark Avenue (Bonanza Road) projected westerly, as the same is now established (hereinafter called line 2); thence west along said line 2 a distance of 1600 feet to the point of beginning; thence south along a line parallel to said line 1 a distance of 378 feet; thence north 89°36' west, and parallel to said line 2 a distance of 100 feet; thence north along a line parallel to said line 1 a distance of 378 feet to said line 2; thence east along said line 2, 100 feet, to the point of beginning, located at 2021 West Bonanza Road, on the south side of West Bonanza Road between Tonopah Drive and Clarkway Drive in Zoning District R-E (Residence Estates).

MR. NULL pointed out the location on the screen stating that it was located on the south side of Bonanza Road. C-2 zoning (heavy commercial) on both sides with a resolution of intent to C-2 and C-M to the south. They want to use the building for a juvenile counseling center. They have sufficient parking and staff has no objection to this use. There are no protests or approvals on file.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. DONALD R. JONES, 6228 W. Meadow Grass Lane, appeared representing the applicant. He stated he works at Clark County Court Services Counseling Center. He stated they are under a grant for a year and hope it will be longer than that. We counsel juveniles who have come before the judge and have been put on probation, in such areas as career planning, budgeting, and nutrition, things that they will need in their every day life as adults.

MR. MILLER asked who the people were that worked with the juveniles?

MR. JONES stated they have five staff members that will be there at all times. They are probation officers appointed by the Judge and sworn by the Judge.

MRS. SEGRETTI asked if this operation was in connection with the juvenile home?

MR. JONES replied, yes it is an office of the Court Services. He stated they currently have a center, Coping Center, in Henderson, which the City of Henderson gave them. They also have one on Desert Inn Road which is under another type of grant. This will be our third one.

MRS. SEGRETTI asked if this is directly in connection with the juvenile home on West Bonanza?

MR. JONES replied, yes, they all are.

MR. MILLER asked if anyone will stay on the premises?

MR. JONES replied no, the children are there during the day only.

MRS. SEGRETTI asked what ages of children would this be for?

MR. JONES stated that the average age was about fifteen to sixteen.

MRS. SEGRETTI asked if the juveniles have been released from the home?

MR. JONES indicated that they have been released and will be there during the day only. The program sometimes ends at 8:00 P.M.

MR. MILLER asked Mr. Jones if he ran the Coping Center?

MR. JONES replied that Mrs. Clay, runs the Coping Center and that he was the Administrative Supervisor of Probation Subsidy and supervised them all.

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

MR. NULL indicated that Public Services has two requirements; a 15' dedication along Bonanza Road, and installation of a 5' wide concrete sidewalk along Bonanza Road.

MR. MILLER made a Motion for APPROVAL of U-66-76, subject to the following conditions:

1. Dedication of 15' for Bonanza Road and installation of a 5' wide concrete sidewalk along Bonanza Road as required by the Department of Public Services.
2. Submittal of a landscaping plan with emphasis on retention of existing plant materials and a permanent sprinkler system shall be provided as required by the Department of Community Planning and Development.
3. Conformance to the plot plan as amended to reflect the above conditions.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes
Mrs. Segretti - yes
Chairman Duncan - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

15. V-58-76

APPROVED

Application of BANK OF NEVADA, CORPORATE CO-TRUSTEE ON BEHALF OF THE C. S. LISLE ESTATE for a Variance to allow the construction of an industrial laundry facility on property legally described as Lots 8 and 9, and the west 90 feet of Lot 7, Block 10, Ladds Addition, located at 111 South 13th Street on the east side of South 13th Street between Fremont Street and Carson Avenue in Zoning District C-1 (Limited Commercial).

MR. NULL pointed out 13th Street on the plot plan and stated that to the east and north is an unpaved alley and to the south is an existing laundry. The proposed laundry will abutt to the existing facility. Public Services has some requirements; they would like a concrete sidewalk and a street light on 13th Street and paving of both the east-west and north-south alley. A 6 ft. wall should be built around the triplex. Staff would like to see the trash enclosures screened, conformance to the amended plot plan and submittal of a landscaping plan. Plans show a 6' wall to be built. Staff has no objection since the existing use is already there. There are no protests or approvals.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. BOB SHIRLEY, 4008 Snead Drive, appeared representing the applicant. He said he was the son-in-law of Mr. Liles and was currently operating the laundry. He stated that he has been in the business for the last eleven years and City Laundry has been in town for some thirty years. We purchased the property next door. The property we are on now is leased, and we would like to own it in the future.

CHAIRMAN DUNCAN asked if staff's recommendations on the paving of the alleys, the sidewalk on 13th Street and the street light were agreeable?

MR. SHIRLEY stated these recommendations were agreeable and added that in order to be good neighbors he thought that they should do this. We have been at that location on 13th and Carson for twenty some years and I don't believe we have been bad neighbors.

CHAIRMAN DUNCAN asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of V-58-76, subject to the following conditions:

1. Installation of a street light and a concrete sidewalk to conform with existing along South 13th Street, and paving of both the north-south alley and the east-west alley adjacent to the property as required by the Department of Public Services.
2. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development.
4. Construction of a 6' block wall where abutting the triplex.
5. Conformance to the plot plan as amended to reflect the above conditions.
6. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes
Mr. Miller - yes
Chairman Duncan - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

16. U-67-76

APPROVED

Application of SECOND BAPTIST CHURCH for a Use Permit to allow a parking lot for a church on property legally described as Lots 11 and 12, Block 4, H.F.M.&M. Addition, located on the southeast corner of "E" Street and Monroe Avenue in Zoning District R-4 (Apartment Residence).

MR. NULL stated that the parking lot was separate from the church location. There are homes to the east and staff would suggest that a wall be required if the neighbors want it. Actually, the landscaping is in the City right-of-way, which has been allowed in the past. These are 70 ft. wide streets and lend themselves to putting the landscaping in that location. They meet the requirements for 90 degree parking. I believe the lot would be helpful to the area and will be for the benefit of all. Staff would recommend approval. We do have one protest from an owner across the street and a couple blocks down; I believe with an out of town address. We do have some requirements from Public Services: paving of the alley; signing an Assessment District Agreement for sidewalks and future lights on "E" Street and Monroe. Staff would recommend a 6' block wall on the east property line if desired by the abutting residents, submittal of a landscaping plan and the normal requirements.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. PERRY FORTUNE, 1500 N. "K" Street, appeared representing the applicant. He stated that several years ago the Board gave him a permit to build an educational building for this church and we were short one parking space. You said if we paved up to the church and park along the sidewalk, we could build, so we built the educational building. We now have a chance to buy this property, and we need it and that is why we are applying for this use permit. We want to get it paved as it will alleviate some of the problems with the glass and rocks.

CHAIRMAN DUNCAN asked Mr. Null to go over staff's requirements.

MR. NULL reiterated Public Services and staff's requirements.

CHAIRMAN DUNCAN asked the applicant if he could comply with those requests?

MR. FORTUNE stated yes, we are agreeable.

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

MRS. EMMETT made a Motion for APPROVAL of U-67-76, subject to the following conditions:

1. Paving of the alley and signing of an Assessment District Agreement for sidewalks and street lighting along both North "E" Street and West Monroe Avenue as required by the Department of Public Services.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development.

3. Conformance to the plot plan as amended to reflect the above conditions.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes
Mr. Miller - yes
Mrs. Segretti - yes
Chairman Duncan - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

17. V-59-76

APPROVED

Application of LEWIS HOMES OF NEVADA for a Variance to allow a 24½ ft. rear yard setback where a minimum of 25 ft. is required on property legally described as Lots 59, 61, 63 and 65, Block 12, Lewis Homes Charleston 10B, generally located on the east side of South Lorenzi Street between the Las Vegas Expressway and Celeste Avenue in Zoning District R-1 (Single Family Residence).

MR. NULL pointed out the area on the screen indicating it was an R-1 area with the Expressway to the north. This is a rear yard Variance for 6" mainly because the house is too big for the lot; they built just a little bit too large a house. This is a rear yard Variance and we are trying to get our ordinance changed; staff would have no objection to this.

MR. MILLER asked if the house is 6" too large?

MR. NULL replied, yes. He added that there were no protests or approvals.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. G. C. WALLACE, 1100 W. Sahara, appeared representing the applicant. He stated it is 6" deeper than the lot would normally allow. They could build a smaller house, but we would like to build this one.

MRS. SEGRETTI asked if the house was under construction now?

MR. WALLACE replied, "no".

MRS. SEGRETTI asked if we deny this application, what would happen?

MR. WALLACE said we will have to build a smaller house.

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of V-59-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes
Mr. Miller - yes
Chairman Duncan - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

18. V-60-76

APPROVED

Application of EL JEN MEDICAL HOSPITAL, INC. for a Variance to allow an addition to an existing nonconforming convalescent home for a total of sixty (60) beds which is nonconforming due to access by a street which has a paved width of less than forty-eight feet (48') on property legally described as Lots 6, 7 and 8, Block 4, Tonopah Terrace, located at 5538 Duncan Drive, on the northeast corner of Duncan Drive and Helen Avenue in Zoning District R-E (Residence Estates).

MR. NULL stated this use is permitted in an R-E district with a use permit. Public Services would require signing of an Assessment District Agreement for future street improvements along Helen Avenue and Duncan Drive. The fire protection facilities should be increased because of the convalescent facility as required by the Fire Department. Staff would recommend there be a 6 ft. wall on the north and east property lines. They are getting too close to the back lot line. We definitely would like to see a wall on the east side as there is an existing residence there. Normal staff requirements will also have to be met. There are no protests or approvals. Staff has no objection to this use subject to conditions.

CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

TWILA WOODRUFF, 6320 Arlington Avenue, appeared representing the applicant. She stated the property to the east is owned by El Jen; and we can see no reason why we would object to building a 6 ft. concrete block wall along the back.

MR. NULL stated staff would not object to omitting the east wall if the residence is used by your employees. However, if the property was sold we would have no control over it if we did not require the wall now.

MR. MILLER asked if there were plans for the residential building that you own?

MRS. WOODRUFF stated that it is rented out.

CHAIRMAN DUNCAN asked if anyone else wished to be heard, there being no one he declared the public hearing closed.

MRS. EMMETT made a Motion for APPROVAL of V-60-76, subject to the following conditions:

1. Signing of an Assessment District Agreement for future street improvements along Duncan Drive and Helen Avenue as required by the Department of Public Services.
2. The existing fire protection facilities be increased for the existing and proposed addition as required by the Department of Fire Services.
3. Construction of a 6' block wall on the north and east property lines as required by the Department of Community Planning and Development.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development.
6. Conformance to the plot plan as amended to reflect the above conditions.
7. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes
Mr. Miller - yes
Mrs. Segretti - yes
Chairman Duncan - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

19. U-6-69

APPROVED

Ratification of approval of FRED L. KENNEDY for a Plot Plan Review on an approved Use Permit to allow an addition to a church on property located on the northwest corner of Carl Avenue and Saylor Way in Zoning District R-1.

MR. NULL pointed out the area with Carl to the south, and Saylor Way to the east. The two additions are not going to increase the church capacity as one is offices and the other is a baptismal area. They will be reducing the parking but not reducing it beyond what is necessary for the existing facility. It is just a matter of ratification on your part.

MR. MILLER made a Motion for APPROVAL of U-6-69, subject to the following conditions:

1. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development.
2. Conformance to the plot plan as amended to reflect the above condition.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes
Mrs. Segretti - yes
Chairman Duncan - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

20. U-23-67

APPROVED

Request of JOHN P. AHERN for a Plot Plan Review on an approved Use Permit to allow an additional warehouse facility on property located at 1785 West Bonanza Road, on the south side of Bonanza Road, between Highland Drive and Rancho Road in Zoning District C-2.

MR. NULL pointed out the area on the plot plan stating that the area is zoned C-2. There have been requests in the past and the applicant is consistently improving his property; they want to enclose and provide a storage building for an area that is now within a cyclone fence. There is a planter to the north and staff feels it would effectively screen this addition. The lot slopes down so you do not see the full height of the building. Staff would have no objection, and we feel it would be an improvement to the lot.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. JOHN P. AHERN, 713 Upland Boulevard, appeared. Our only need is for additional storage inside instead of outside. We believe this will be a substantial improvement and we should have this Use Permit to do it.

MRS. SEGRETTEI made a Motion for APPROVAL of U-23-67, subject to the following conditions:

1. Conformance to the plot plan.

2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes
Mr. Miller - yes
Chairman Duncan - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

21. U-69-76
ABEYANCE

Application of JAYNE UHERCIK at 3105 Sonia Drive in Zoning District R-E for a Home Occupation Permit - Allow the making of ceramic pieces and sale of greenware at off-premise locations.

MR. NULL indicated this application is marked so that it meets all code requirements but we have received some calls and I believe there is opposition here tonight that the Board may want to hear. I can read the original letter of the applicant, if you so desire.

CHAIRMAN DUNCAN stated that in this case there is some confusion; this is one of the home occupation permits that was granted approval at the beginning of the meeting. The Board will reconsider this item at this time.

MR. NULL stated that this is not a public hearing. He then proceeded to read the original letter submitted by the applicant with the application.

MR. CANUL asked what was staff's recommendation?

MR. NULL replied that we really had none at this time.

CHAIRMAN DUNCAN stated that this is not a public hearing.

MR. NULL stated that staff's suggestion be that you probably should listen to both sides and then make a decision about holding a public hearing.

CHAIRMAN DUNCAN asked to hear from the applicant.

MRS. JAYNE UHERCIK, 3105 Sonia Drive, appeared. She stated that she did not realize, but does realize now that she has some neighbors that have protests against this. I have been in this home for eight years and in ceramics for fifteen years. I have lady friends that come into my home and we paint. I have had association meetings over there and Mayor Briare has been our guest speaker. I have a picnic table in part of this garage that we enclosed. We added a fifth bedroom and a storage room. I believe the opposition that they are protesting is that we have three cars. My husband works nights which leaves the two cars, and a boat. My friends have cars and I have asked them to park in my driveway. Occasionally they do park in the street. These gentlemen live two houses down and I have never heard any complaints from them. I would like to do finished pieces. The selling of the greenware is delivered to the stores.

CHAIRMAN DUNCAN asked to hear from the protestants.

MR. ALBERT CUNNINGHAM, 3200 Sonia Drive, appeared. He stated they just became aware of this in last night's paper. We have contacted several people in the area and have a list of people opposed to this operation. We would have had additional people had we the opportunity to contact them. We are not against the person; we are against the fact that we think if this operation is authorized in this

area, then other people will be coming in for a Home Occupation Permit for real estate salespersons, insurance salespersons and before long someone will open a McDonald's in their garage. The homes in this area are valued between \$90,000 and \$165,000 and everyone knows this will reduce the property values when someone gets a Home Occupation Permit. We all have nice homes and would like to keep it that way and not have a business operation. Mr. Cunningham then submitted the list of people in opposition to the Board.

MRS. EMMETT stated that the rules and regulations of the Real Estate Division and Insurance Division do not allow home use for a business. It is against the statutes.

MR. MILLER added or a McDonalds.

MR. CUNNINGHAM stated this is not allowed, but once an authorization is granted, additional boards can grant additional variances.

MR. MILLER stated that this is not necessarily true. The permit will be granted to the individual person and not to the property, if it was sold. There are always individual and special cases.

MR. CUNNINGHAM stated that we think that if it is granted, it could mushroom and this is what we are opposed to.

MRS. SEGRETTI stated that if that application was approved it would only mean they could make the product on their premises. No sale or advertising of the address or phone number is allowed.

MR. CUNNINGHAM asked how would this be policed?

MRS. SEGRETTI indicated by the people living around there.

MR. CUNNINGHAM stated there was no way to tell if there was a sale conducted on the premises. People could come in their automobiles and buy something; there is no way to observe it.

MRS. SEGRETTI asked would you assume that there was a sale going on if you saw people coming and carrying out a large number of articles away from the property?

MR. CUNNINGHAM stated that assumption is not proof.

MRS. SEGRETTI said you could report it to the Board and there will be an investigation.

MR. CUNNINGHAM stated as Mrs. Uhercik stated there are several cars in the neighborhood that come to her place; we are not against the additional number of cars in the area. We all have that at times and when we have a party. We have heard that there were instructions being given. It has been told to us by a very reliable source that there are classes going on in there.

MRS. SEGRETTI stated I don't see how you could stop anyone from giving instruction to anyone on any subject in their own home.

MR. CUNNINGHAM stated no, but I have yet to see anybody put themselves out to any great extent without some type of remuneration.

MR. JOE MANCARI, 3201 Sonia Drive, appeared in protest. He stated that Mrs. Uhercik said that we object to people coming over for parties; we don't care if she has parties and has people over. We object to her having people over

for selling to them ceramics or where she can teach them ceramics for a price. She comes here after she had done this for months and says that this is not what she is doing. How is she going to sell this stuff? She doesn't have a store. I don't see how any ceramic store is going to buy her ceramics and put them up and advertise them, when she makes them at home. You said that we have to supervise this; there is no possible way that we can supervise it. I am sure that somebody called someone before and said something about her giving instructions and that is why she is here. I have a contractor's license, and I have been in this house for 11½ years and have never come down here and asked to have my business phone listed because I didn't feel that our area deserved that. He stated she has been selling ceramics in her house for months, you can ask her. Yes, she has been selling it before her application came here.

CHAIRMAN DUNCAN asked to hear from the applicant once again.

MRS. SEGRETTI asked, are you making and selling ceramic objects and greenware from your home?

MRS. UHERCIK stated that she is making them. I sell them to the Green Fox Ceramic Shop and to Karen Ceramics on West Charleston. I can name about four different places. I sell to them wholesale. I don't have many different pieces. Periodically, if I have someone that would like me to pick something up for them, I do and they reimburse me.

MRS. SEGRETTI asked do you sell articles from your home?

MRS. UHERCIK said I have sold finished pieces from my home, yes. But I was told that this is not legal; I have to take them off the premises. I take the greenware off the premises.

MRS. SEGRETTI asked how do you get the people that buy your products; how do they know about it?

MRS. UHERCIK stated she used to own the Ceramic Land Shop at 4229 West Sahara and have lived here since 1961. We have a pretty big association and people knew about me from my previous ceramic shop. She added that being a woman, word of mouth is pretty good.

MRS. SEGRETTI asked if she did any advertising?

MRS. UHERCIK stated, no, only by state show. I put a booth in two years ago.

MRS. SEGRETTI asked the applicant how delivery was made to the locations.

MRS. UHERCIK stated that she put the merchandise in boxes and shredded paper and delivered it by car.

MRS. SEGRETTI asked if she had the materials that the ceramics are made out of stored in her home?

MRS. UHERCIK stated she had plaster molds and shelves.

MR. MILLER asked if she had a furnace or anything?

MRS. UHERCIK stated yes, she has had a kiln for several years; most hobbyists have one.

MRS. SEGRETTI asked if materials were delivered to the home?

MRS. UHERCIK stated that she picked them up.

MRS. SEGRETTI asked if they are delivered to your home by trucks?

MRS. UHERCIK stated "no". Perhaps, UPS might deliver something twice a year, a parcel. I might buy six bottles of paint and other greenware or a cleaning tool. I did order some Christmas lights and music boxes at Christmas time and they were delivered to my home by UPS.

MR. NULL stated that staff is a little confused. Under item "g" on the application, it states, "Will the occupation involve the use of any accessory building, yard space, or outdoor activity?" You say no, but you say on the attachment to the application that you use part of your garage as a work room?

MRS. UHERCIK stated the garage is part of the home.

MRS. EMMETT stated that in going back through the Minutes of previous meetings, she noted that we have granted people selling dolls and quilts previous home use permits and can't see where this is any different from those. The whole idea of a home occupation permit is to allow this. I don't think this was established as a nuisance factor as the first indication these people had of it is when they saw it in the newspaper; so apparently, it is not a nuisance factor.

MRS. SEGRETTI asked if all of the residents in the area were notified of this?

MR. NULL replied, no, this is not a public hearing. We don't have a public hearing if the application meets code requirements. Considering there is opposition here, staff recommends that a public hearing be held and you hear the whole thing out, and make a decision.

MRS. SEGRETTI asked then there is a difference in a Home Occupation Permit (a hobby type thing) and an operation where a tailor wanted to, open a shop in his home.

MR. NULL replied, yes, that would be a Variance.

CHAIRMAN DUNCAN made a Motion that item U-69-76(HO) previously heard be reconsidered and that it be held in ABEYANCE for one month pending notification to the surrounding property owners of a public hearing.

Voting was as follows:

Chairman Duncan - yes
Mr. Miller - yes
Mrs. Segretti - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion that this item be held in ABEYANCE carried unanimously.

22. V-41-75

APPROVED

Request of WORLD PLAN EXECUTIVE COUNCIL, AMERICAN NATIONAL RED CROSS, AND SOUTHERN NEVADA COMMUNICATION CORPORATION for reinstatement and extension of time for one year on their approved variance on property located on the east side of South 6th Street, between Sahara Avenue and St. Louis Avenue in Zoning District R-1.

MR. NULL pointed out the area in question. These are nonprofit corporations. They had an approval for six months which expired in July of this year, and that is why they need the reinstatement. From what I read in the letter they first thought it was going to be too costly to run a sewer line in. Now they want a reinstatement and extension. The three uses are World Plan Executive Council American National Red Cross, and Southern Nevada Communication

Corporation. Staff has conferred with legal authority and they indicated that the applicant had done sufficient work and that if the Board wished to give them the reinstatement and extension of time, it would be quite alright.

MRS. SEGRETTI asked if construction has started?

MR. NULL stated no, not to his knowledge; they had problems with utilities.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. JACK FRENCH, 1323 Pinto Road, Boulder City, appeared representing the applicant. The primary thing that threw all of us was the fact that there was no sewer or water to the property. After checking with the contractors, the lowest bid we received was \$22,500 for putting in water, tearing up 6th Street all the way through to Sahara. We did not know when the land was donated to us that there was no sewer or water. We have been working for over two years with a Mr. Gist of the City and some other person, in addition to the City Engineer to determine some other way to go in without such expense. We called Baughman and Turner, the engineering firm, to do a profile to get back into the subdivision behind us. It is called Towne and Country Estates. There is a cul-de-sac with a sewer there, and it would only be 300 ft. as opposed to 800 ft. We are making progress.

MRS. SEGRETTI asked if the area colored in pink was a shopping center?

MR. FRENCH stated that it was vacant land owned by Dr. O'Donnell and is a residential lot. I don't know what the pink represents to the City, but the vacant land is behind the commercial shopping center. There is also a Marie Calendars on the corner.

MR. MILLER asked, and there is no water or sewer going to that property of yours?

MR. FRENCH stated no, and pointed out on the plot plan where the water and sewer lines were. He indicated that for the residents on the other side of the street, the sewer goes back behind their property from Sahara. He pointed out where the cul-de-sac was that had the sewer they were trying to tie into their property. It was quite a shock to find out there was no sewer or water. It has been a problem. In my letter, I have mentioned twelve different things that we have done, and we have really gone forward in that time.

MR. MILLER asked if another year would be sufficient at this time?

MR. FRENCH said he believed so, yes. I am meeting with Mr. Gist as we learned that we could have a sewer district. I haven't had an opportunity to check with the Water Department yet.

MR. CANUL made a Motion for APPROVAL of V-41-75 for the reinstatement and allow an extension of time for a period of one year, which will expire August 26, 1977.

Voting was as follows:

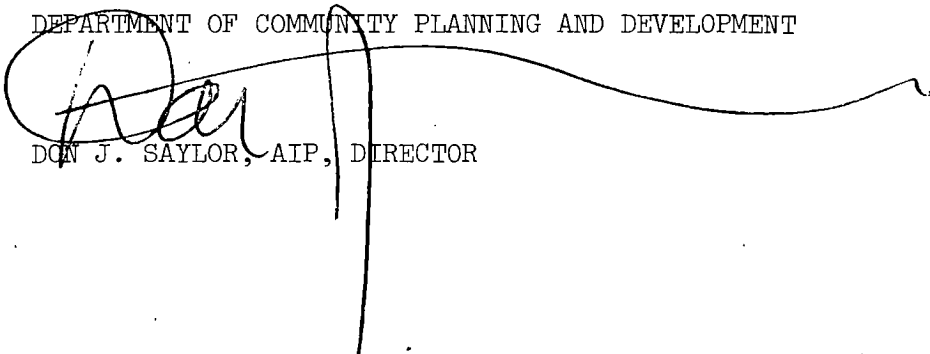
Mr. Canul - yes
Mr. Miller - yes
Mrs. Segretti - yes
Chairman Duncan - yes
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business the meeting was adjourned
at 11:10 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT



DON J. SAYLOR, AIP, DIRECTOR

DJS:bjc